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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168756
Party	Plaintiff Federation Des Industries de la Parfumerie
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Attachments	Opposer's Motion to Compel Certain Discovery.pdf (81 pages)(6481917 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Consolidated Opposition

Mark: L'BEL PARIS

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE,

Opposer,

v.

EBEL INTERNATIONAL LIMITED,

Applicant.

Opposition No. 91168756

OPPOSER'S MOTION TO COMPEL CERTAIN DISCOVERY

Pursuant to Fed.R.Civ.P. 37 and 37 C.F.R. 2.120(e), Opposer Federation Des Industries de La Parfumerie ("Opposer"), by and through its counsel, hereby moves the Trademark Trial and Appeal Board ("TTAB") for an order compelling Applicant, Ebel International Limited ("Applicant"), to provide full and complete responses to Interrogatory Nos. 9; 10(b)(ii); and 32; and Document Request Nos. 30 and 31. (Copies of these specific Interrogatories and Document Requests are attached as Exhibit 1).



The discovery requests concern information and documents relating to the sales and advertising of Applicant's goods that include PARIS as an element thereof, as well as Applicant's goods that do not include PARIS as an element thereof. It is Opposer's good faith belief that it is entitled to this information because it is material to the issue of whether the presence of the word PARIS in Applicant's mark is material to a purchaser's decision to buy Opposer's goods.

Opposer has made a good faith effort to resolve the discovery dispute without the TTAB's intervention.

Opposer requests that this proceeding be suspended pending a resolution of this motion.

I. Introduction

Applicant, Ebel International Limited, a corporation organized and existing under the laws of Bermuda, with an address in Bermuda is seeking to register the following trademarks:

Trademark	Application	Goods
L'BEL PARIS	76/628453	Cosmetics, namely, astringents and toners for cosmetic purposes, beauty masks for the face and body, beauty scrubs for the face and body, blusher, cosmetic pencils for the face, eyes and lips, concealers, foundation, face powder, eye liners, eye shadow, mascara, lipstick, lip gloss, lip moisturizer and base lipstick; preparations for infants' and children's skin and body care, namely, baby lotions, shampoos, soaps, sun lotion, sunscreen, powders and oils; preparations for personal hygiene and beauty care, namely, hand, foot and body lotions and creams, soaps for the face and body, bath and shower gels, bath salts, bath powders, talcum powders, bath oils, deodorants and shaving gels and creams; nail care products for the hands and feet, namely, nail enamel, nail enamel remover, cuticle removing preparations, nail enamel base coat, nail enamel top coat; fragrances for men and women, namely, eau-de-cologne, perfume, eau-de-toilette, scented and unscented massage oil, body oils and essential oils for personal use; and hair care products, namely, shampoo, conditioner, hair mousses and gels, hair spray
 L'BEL P A R I S VIVIFIQUE	78/561766	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils for shower, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
 L'BEL P A R I S ESSENTIAL	78/561789	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils for shower, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders

L'BEL P A R I S HYDRAFORCE EXTRA	78/562491	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
L'BEL P A R I S MATT & CONTRÔLE	78/562530	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
L'BEL P A R I S SUPRÉMACIE	78/562515	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
L'BEL P A R I S RÉSURGIE	78/564029	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
L'BEL P A R I S CLARIFIQUE	78/565366	Personal care products, namely, anti-wrinkle creams, anti-aging creams, skin moisturizers, eye creams, facial masks, body and face lotions, bath gels and oils, soaps, face and skin cleansers, exfoliants for skin, deodorants, body and face powders
L'BEL P A R I S DÉSAFIANCE	78/697339	Personal hygiene and personal care products, namely, anti-wrinkle creams, anti-aging creams, facial masks, facial cleansers, skin moisturizers, toners, skin-firming creams, eye creams, exfoliants for skin, after-shave lotions, body lotions, body moisturizing lotions, body cleansing lotions and creams, body exfoliating lotions, body and face creams and gels, personal deodorants, body powders, soaps, bath gels

Opposer has challenged Applicant's right to register the above trademarks (hereinafter referred to as "Applicant's PARIS Marks") on the ground that each is geographically deceptive

under Section 2(a) of the Trademark Act and geographically deceptively misdescriptive under Section 2(e)(3) of the Trademark Act.

Upon information and belief, Applicant does not conduct any bona fide business in Paris, nor does it manufacture, distribute, or package goods in Paris. Moreover, Applicant Ebel International Limited has no other connection to the city of Paris or presence in the city of Paris. Inasmuch as Applicant's goods do not originate from the place so named, the marks are geographically misdescriptive, deceptive and non-registrable.

Moreover, it is respectfully submitted that the sole reason Applicant uses the geographic designation PARIS as part of Applicant's PARIS Marks is because PARIS is a city renowned for its style, design and beauty. Thus, as a prima facie fact the presence of the word PARIS in Applicant's marks would be a material element in any consumers purchasing decision.

As part of Opposer's right to obtain any information it deems relevant to its case, Opposer requested that Applicant respond to interrogatories and provide documents that speak to the sales of goods bearing Applicant's PARIS Marks and goods that do not include PARIS. Applicant has objected based on relevancy. For the reasons elaborated upon below, Opposer requests that the Trademark Trial and Appeal Board compel Applicant to respond to Interrogatory Numbers 9, 10(b)(ii) and 32, and Document Request Numbers 30 and 31.

II. The Specific Discovery Requests that are the subject of this motion.

INTERROGATORY NO. 9

If the L'BEL PARIS has been used in commerce, state the sales in dollars and units by Applicant for all goods sold under **Applicant's MARK** since the date of first use to date, by month.

INTERROGATORY NO. 10

(b) If the answer to (a) above is in the affirmative:

(ii) Identify the amount of money in dollars expended for advertising and promotion of goods bearing **Applicant's MARK** since the date of first use, by month or other relevant period.

INTERROGATORY NO. 32

State the total sales in dollars and total units sold of Applicant Goods sold under any mark other than **Applicant's MARK**.

DOCUMENT REQUEST NO. 30

Documents sufficient to show total sales in dollars and total units sold for Applicant's Goods sold under any mark other than **Applicant's MARK**.

DOCUMENT REQUEST NO. 31

Documents sufficient to show total money spent by Applicant on advertising Applicant's Goods bearing any mark other than **Applicant's MARK**.

III. Opposer's good faith attempts to resolve the issue.

Opposer has made repeated good faith attempts to resolve the issue with Applicant and copies of the correspondence dated May 3, 2007; May 18, 2007; May 24, 2007; June 8, 2007; November 13, 2007; December 18, 2007; July 11, 2008; and July 18, 2008 are attached as Exhibit 2.

In a final good faith attempt to resolve the remaining discovery issues, Opposer's counsel, on July 11, 2008 wrote Applicant's counsel. Applicant has still not provide full and complete responses to the interrogatories and document requests that are the subject of this Motion

IV. The Board should compel Applicant to respond to the outstanding discovery.

Fed.R.Civ.P. 26(b)(1) provides that:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense... For good cause, the

court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

Opposer has requested that Applicant provide sales and advertising figures for Applicant's goods bearing Applicant's PARIS Mark, as well as sales and advertising figures for goods that do not include PARIS as an element of the mark (See Interrogatory Numbers 9, 10(b)(ii) and 32, and Document Request Numbers 30 and 31).

Applicant has objected to providing the requested information and documents on the ground that they are (a) "vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence" and (b) irrelevant because the case does not include a likelihood of confusion claim.

Applicant's position is not well-founded.

This case concerns whether Applicant's PARIS Marks are geographically deceptively misdescriptive and geographically deceptive. To establish this claim, Opposer must demonstrate that the public would associate Applicant's goods with PARIS; that the Applicant's goods do not come from Paris; and that the presence of the word PARIS is material to the purchasing decision.

It is respectfully submitted that information showing sales and advertisements of goods bearing Applicant's PARIS Mark vs. goods that do not bear the word PARIS is specifically relevant to the issue of materiality because a comparison may well serve to demonstrate that the presence of PARIS enhances the perception/success/popularity and consumer's desire for Applicant's goods.

For example Applicant owns a registration for the trademark L'BEL PERFORMANCE for skin moisturizers, skin-firming creams, exfoliants for skin, body lotions, body moisturizing

lotions, body exfoliating lotions, body creams and gels, soaps. Opposer is entitled to seek information that indicates whether that product has been as successful as products designated with Applicant's PARIS Mark.¹

To the extent that the rules relating to discovery permit a party to obtain discovery on any non-privileged matter that is relevant to a party's claim, it is requested that the TTAB grant Opposer's motion.

V. Conclusion

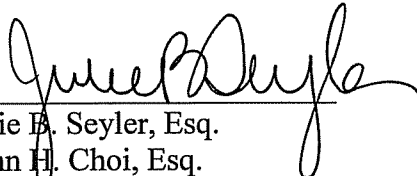
The current dispute relates to Applicant's use of Applicant's MARK which contains the word "PARIS." Paris is renowned as a source and inspiration for fashion, cosmetics and perfumes. The use of the geographic descriptor PARIS signifies to consumers who purchase cosmetics, perfumes and colognes that the goods come from Paris. Due to the renown, importance and geographical significance of Paris to denote fashion, cosmetics and perfume, PARIS should only be used and registered in connection with goods that have a bona fide connection to the city.

The requested financial information on sales and advertising of both products ("Paris" and "non-Paris") may well provide information material to the significance of PARIS in Applicant's PARIS Mark. Clearly, this is within the subject matter of the action and the requested information should have been provided long ago.

¹ Applicant advertises and sells goods under Applicant's PARIS Mark, as well as under marks other than Applicant's PARIS Mark. (See Exhibit 1 - Applicant's response to Interrogatory No. 33).

For the reasons set forth above, Opposer respectfully requests that the TTAB compel Applicant to provide the requested financial information regarding sales and advertising of goods sold by Applicant under its "Paris" and "non-Paris" marks.

Date: July 28, 2008
New York, New York


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John H. Choi, Esq.
Abelman, Frayne & Schwab
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New York, New York 10017
(212) 949-9022

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July 2008, I caused a true and correct copy of the foregoing OPPOSER'S MOTION TO COMPEL CERTAIN DISCOVERY to be served by email and first class mail, postage prepaid, upon:

Efrain Brito, Esq. (brito.efrain@arentfox.com)
Arent Fox, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

Attorneys for Applicant

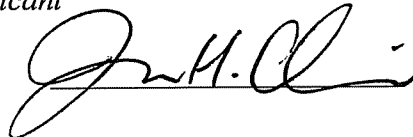


EXHIBIT 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Federation des Industries de la Parfumerie.

Opposer,

v.

Ebel International Limited

Applicant.

Opposition No. 91168756

**OPPOSER'S INTERROGATORIES TO
APPLICANT**

Opposer, by its attorneys, requests that Applicant answer the following interrogatories pursuant to Rule 2.120 of the Trademark Rules and Rule 33 of the Federal Rules of Civil Procedure. These interrogatories are continuing in nature and any information that may be discovered subsequent to service of the answers should be disclosed through supplemental answers within a reasonable time following its discovery.

~~In answering these interrogatories, please furnish all information known or available to~~
Applicant, regardless of whether this information is possessed directly by Applicant, or by its agents, employees, representatives, investigators, or by Applicant's attorneys or their agents, employees, representatives or investigators.

DEFINITIONS

The following definitions are incorporated by reference in each interrogatory as set forth hereinafter:

A. "Person" or "persons" means all entities, including, but not limited to, all individuals, single proprietorships, associations, companies, partnerships, joint ventures, and corporations.

B. The term "trademark" refers to trademark, service mark, certification mark and collective mark.

C. As referred to herein, **MARK** and **Applicant' s MARK**, shall mean the trademark opposed in the Notice of Opposition, namely Application No. 76/628453 for **L'BEL PARIS** filed January 21, 2005 and **Applicant's Goods** shall mean all of the goods identified in Application No. 76/628453 namely "cosmetics, namely, astringents and toners for cosmetic purposes, beauty masks for the face and body, beauty scrubs for the face and body, blusher, cosmetic pencils for the face, eyes and lips, concealers, foundation, face powder, eye liners, eye shadow, mascara, lipstick, lip gloss, lip moisturizer and base lipstick; preparations for infants' and children's skin and body care, namely, baby lotions, shampoos, soaps, sun lotion, sunscreen, powders and oils; preparations for personal hygiene and beauty care, namely, hand, foot and body lotions and creams, soaps for the face and body, bath and shower gels, bath salts, bath powders, talcum powders, bath oils, deodorants and shaving gels and creams; nail care products for the hands and feet, namely, nail enamel, nail enamel remover, cuticle removing preparations, nail enamel base coat, nail enamel top coat; fragrances for men and women, namely, eau-de-cologne, perfume, eau-de-toilette, scented and unscented massage oil, body oils and essential oils for personal use; and hair care products, namely, shampoo, conditioner, hair mousses and gels, hair spray".

D. When a "date" is requested, it shall mean the exact day, month and year if known, or if not, the best approximation thereof.

E. "Document" is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a) and includes, but is not limited to, the original and any non-identical copy, regardless of origin or location, of any written, recorded, transcribed, punched, taped, filmed or graphic matter however produced, now or formerly in your possession, custody or control, including, but not limited to, any drawing, photograph, book, pamphlet, periodical, letter, correspondence, agreements, licenses, instruments of assignment or conveyance, documents of title, stock and share certificates, telegram, telex, telefax, invoice, contract, purchase order, estimate report, memorandum, intra-office communication, working paper, record, ledger, journal, financial statement, study, paper, work sheet, cost sheet, estimating sheet, bid, bill, time card, work record, chart, graph, manual, index, data sheet, data processing card, tape or disc recording, transcriptions thereof, and all other memorials of any conversations, meetings, and conferences by telephone or otherwise.

F. "Identify", unless otherwise qualified in a particular interrogatory, means (1) when used in reference to a natural individual, to state the individual's full name, present home address, present business address, and present or last known position and business affiliation; (2) when used in reference to a company, to state its full name and the present or last known address of its principal place of business; (3) when used in relation to an officer, director or employee of Applicant, to state the person's full name, title or position and how long such title or position has been held; and (4) when used in reference to a document, to state:

1. its nature (e.g., contract, letter, tape, recording, ledger sheet, memorandum, voucher, lab notebook, etc.);
2. its title, if any;
3. the substance of its contents;

4. the date and place of its preparation;
 5. if it is in the nature of a communication:
 - a. the date and place it was sent;
 - b. the date and place it was received;
 - c. the identity (as defined above) of the sender;
 - d. the identity (as defined above) of the receiver;
 - e. the identity (as defined above) of each person for whom the sender or receiver acted or purported to act;
 6. The identity (as defined above) of all persons signing it, preparing or making it, or participating in or present at its preparation, making or signing.
 7. The identity (as defined above) of all persons having custody of the document and if the present location of the document is unknown, the last known location of the document and any available information as to the disposition of the document or its whereabouts.
- G. "You" or "Your" (or "you" or "your") and "Applicant" means the named Applicant, its predecessors in interest, and also their officers, agents, servants, employees, representatives, and attorneys, to the fullest extent the context permits.
-
- H. "Applicant" means the named Applicant, its predecessors in interest, and also their officers, agents, servants, employees, representatives, and attorneys, to the fullest extent the context permits.
- I. The singular shall include the plural, and the plural, the singular, and the past tense shall include the present and future, the present shall include the past and future, and the future shall include the past and present.
- J. If any act, event, conversation, person, writing or other instance or matter is mentioned or referred to in response to more than one of these interrogatories, you need not completely identify and describe it, him or her in every such instance, provided you supply a complete identification and description in one such instance in full compliance with the foregoing definitions and in each other

such instance make a specific reference to the place in your answer to these interrogatories where such complete identification and description first appears.

K. If an interrogatory calls for information not known to you, such interrogatory shall be deemed a request for your best estimate, understanding and belief as to the matter inquired about and you shall state that you are presenting information about matters which are not known to you but are your best estimate, understanding and belief and you shall state in full detail the basis of your estimate, understanding and belief.

L. A request in an interrogatory for specific information (as where the term "including, but not limited to" is used) shall not, in any case, be deemed a waiver or limitation of the generality of the foregoing definitions.

M. If any information called for by any interrogatory herein is withheld because you claim that such information is contained in a privileged document or communication, (1) identify each such document or communication; (2) state the basis upon which the privilege is claimed; (3) state the number and subsection number of each interrogatory to which each such document or communication is responsive; and (4) identify each person (other than the attorneys representing you in this action) to whom the contents of each such document or communication has heretofore been disclosed, either orally or in writing.

INTERROGATORIES

INTERROGATORY NO. 1

List and describe each product on or in connection with which Applicant uses, intends to use or has ever used **Applicant's MARK** or the word PARIS alone or as part of another mark.

INTERROGATORY NO. 2

(a) Identify Applicant's first use of **Applicant's MARK** in interstate commerce in connection with each of the goods named in answer to Interrogatory No. 1, including the date of such use, the goods on which **Applicant's MARK** was first used, details of any *bona fide* sales involved, and the customer, if any, which purchased the specific product.

(b) For each matter identified in (a) above, identify the persons having the most knowledge of such use.

(c) If Applicant has not yet used the mark in commerce for some or all of the goods specified in Application No. 76/628453, state the activities undertaken by Applicant showing that it has an intent to use the mark on each of the goods claimed in the application.

INTERROGATORY NO. 3

(a) Identify all persons who approved the selection of **Applicant's MARK**.

(b) Describe the specific reasons for the selection of **Applicant's MARK**.

INTERROGATORY NO. 4

Identify all persons who have final authority for the marketing, advertising and/or promotion of products for **Applicant's MARK**.

INTERROGATORY NO. 5

(a) Identify the specific geographic location(s) where **Applicant's Goods** for L'BEL PARIS are manufactured.

(b) Identify all ingredients utilized in each of **Applicant's Goods**.

(c) Identify the specific the geographic locations where such ingredients are obtained.

(d) Identify the specific geographic location(s) where **Applicant's Goods** for L'BEL PARIS are packaged.

INTERROGATORY NO. 6

If the mark is not yet in use for some or all **Applicant's Goods**:

(a) Identify the specific geographic location(s) where **Applicant's Goods** for L'BEL PARIS will be manufactured.

(b) Identify all ingredients that will be utilized in each of **Applicant's Goods**.

(c) Identify the specific the geographic locations where such ingredients will be obtained.

(d) Identify the specific geographic location(s) where **Applicant's Goods** for L'BEL PARIS will be packaged.

INTERROGATORY NO. 7

(a) Specify the facts and circumstances that support Applicant's claim in Paragraph 7 of the Answer to the Opposition that "Ebel International Limited (France)...is based in Paris France".

(b) State the street number and street address of Ebel International Limited (France) in Paris, France.

(c) State whether **Applicant's Goods** are manufactured at said address.

(d) State whether **Applicant's Goods** are packaged at said address.

INTERROGATORY NO. 8

(a) Specify the facts and circumstances that support Applicant's claim in Paragraph 8 of the Answer to the Opposition that "Applicant's products using the mark L'BEL PARIS are manufactured in conjunction with...the Centre de Biodermatologie des Laboratoires Serobiologiques...located in France."

(b) State the street number and street address of Centre de Biodermatologie des Laboratoires in France.

(c) State whether the Centre de Biodermatologie des Laboratories has a business establishment in Paris, France.

INTERROGATORY NO. 9

If the L'BEL PARIS has been used in commerce, state the sales in dollars and units by Applicant for all goods sold under **Applicant's MARK** since the date of first use to date, by month.

INTERROGATORY NO. 10

(a) State whether Applicant engages in advertising or other promotional activities relative to **Applicant's Goods** bearing or connected with **Applicant's MARK**.

(b) If the answer to (a) above is in the affirmative:

(i) Identify the types of advertising or promotional activities, including but not limited to catalogs, brochures or other media, including the Internet, or advertising means in which Applicant has used **Applicant's MARK**.

(ii) Identify the amount of money in dollars expended for advertising and promotion of goods bearing **Applicant's MARK** since the date of first use, by month or other relevant period.

INTERROGATORY NO. 11

Identify all trademark searches and investigations, including all opinion letters or memos relating thereto, conducted by or for Applicant with respect to **Applicant's MARK** and/or the word PARIS including:

- (a) all marks searched and investigated;
- (b) by whom such searches and investigations were authorized;
- (c) whether a written report was rendered pursuant to these searches and investigations.

INTERROGATORY NO. 12

Identify all proceedings (including but not limited to the Federal Courts, State Courts and the Patent and Trademark Office) in which Applicant has been or is involved which refer or relate to products or services to be sold in connection with **Applicant's MARK**; and identify all documents related thereto.

INTERROGATORY NO. 13

Identify the documents in Applicant's possession or control referring or relating to Opposer.

INTERROGATORY NO. 14

(a) State whether Applicant has knowledge that third parties unrelated to Applicant or Opposer are using a trademark comprising the term PARIS in whole or in part for perfume or cosmetics not manufactured in France.

(b) If the answer to (a) above is anything other than an unqualified no, identify the trademark and identify the third party user

INTERROGATORY NO. 15

(a) Has Applicant or any person acting for or on its behalf obtained any statements or opinions regarding any of the issues in this opposition proceeding?

(b) If so, identify the person or persons who rendered each statement or opinion, state whether it was oral or in writing, and identify all documents which refer or relate thereto.

INTERROGATORY NO. 16

Identify the witnesses Applicant intends to call to testify on its behalf and identify the documents upon which Applicant intends to rely in connection with this opposition proceeding.

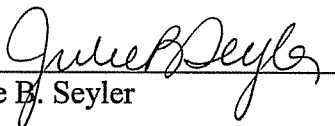
INTERROGATORY NO. 17

(a) Identify each person who participated in the preparation of Applicant's responses to the foregoing interrogatories and who furnished any information in response thereto.

Respectfully submitted,

Federation des Industries de la Parfumerie

Date: July 28, 2006
New York, New York

By 
Julie B. Seyler

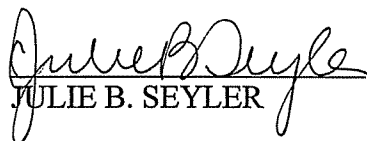
Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S INTERROGATORIES TO APPLICANT was served by first class mail, postage prepaid, this 28th day of July, 2006, upon the following:

Cristina Carvalho, Esq.
Efrain Brito, Esq.
Arent Fox PLLC
1050 Connecticut Avenue, NW
Washington, DC 20036


JULIE B. SEYLER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE

Opposer

v.

EBEL INTERNATIONAL LIMITED

Applicant

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Opposition No. 91168756

**APPLICANT'S ANSWERS TO OPPOSER'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Applicant Transaction Network Services, Inc. Applicant, Ebel International Limited ("Applicant"), by and through counsel, hereby responds to Opposer's First Set of Interrogatories as follows:

QUALIFICATIONS

1. The information supplied in these answers and objections is not based solely upon the knowledge of the executing party. It also may be based on the knowledge of the party's agents, representatives, and attorneys (unless privileged), and based on information contained in Applicant's records.

2. The word usage and sentence structure is that of the attorneys who drafted these answers and objections, and the language does not purport to be the exact language of the executing party.

3. The interrogatories and other discovery requests served by Opposer have been interpreted in accordance with the Federal Rules of Civil Procedure, plain English usage, and, to

the extent not objectionable, the definitions and instructions included with the interrogatories and other discovery requests.

4. These Answers reflect only the current state of Applicant's knowledge with respect to the matters addressed in the discovery requests. Applicant reserves the right to modify or supplement these Answers. These Answers are made without prejudice to Applicant's right to use or rely on at any time, subsequently discovered information or information omitted from these Answers as a result of mistake, error, oversight, or inadvertence.

5. Applicant makes these Answers without conceding the relevancy or materiality of any interrogatory. Specific objections are made on an individual basis to Opposer's interrogatories below. In addition, Applicant makes certain general objections which are hereby incorporated by reference into the response made with respect to each separate interrogatory. The failure to include at this time any general or specific objection to an interrogatory is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert such an objection or any other objection at a later date.

GENERAL OBJECTIONS

1. Applicant objects to the interrogatories to the extent the terms referred to in the interrogatories are not defined.

2. Applicant objects to the interrogatories to the extent they seek confidential business information. Such information and documents containing such information will be produced upon entry of a mutually acceptable protective order.

3. Applicant objects to the interrogatories to the extent they seek the disclosure of information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protection.

4. Applicant objects to the interrogatories to the extent they seek information in the custody of third-parties over whom Applicant does not exercise control.

5. Applicant objects to the interrogatories to the extent they seek to impose obligations beyond those required by the Federal Rules of Civil Procedure. Without waiving and subject to all objections and limitations set forth herein, Applicant will respond to these interrogatories in the manner prescribed by, and in accordance with, the Federal Rules of Civil Procedure and any applicable Rules of the Trademark Trial and Appeal Board.

6. Applicant objects to the interrogatories to the extent they request information pertaining to the use of Applicant's mark outside the United States.

7. Applicant objects to the interrogatories to the extent that they purport to require production of documents or information prohibited from disclosure by federal statutory and regulatory requirements, state privacy laws, and any other provision of law prohibiting the disclosure of information.

8. Applicant objects to the interrogatories to the extent that they are unreasonably broad, unduly burdensome, oppressive, vague or ambiguous and to the extent they seek information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

9. Applicant objects to all Definitions in Opposer's First Set of Interrogatories, applicable hereto, to the extent terms contained in said Definitions are too broad, unintelligible, unclear, ambiguous, and unspecified.

10. Applicant incorporates each of the above General Objections into the specific objections and answers below, whether or not express reference is made to the General Objections in those specific objections and answers.

INTERROGATORIES

INTERROGATORY NO. 1:

List and describe each product on or in connection with which Applicant uses, intends to use or has ever used Applicant's MARK or the word PARIS alone or as part of another mark.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that this interrogatory may seek the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that products sold under the Mark L'BEL PARIS include:

EST DAMA MINI USA 3 UN
ESTUCHE CABALLEROS MINI USA
REVE SENSUELLE EDP X 1.7 FL.OZ
SET COLLEC FRAGAN FEMME (USA)
SET REVE SENSUELLE (USA) 3 UN
ENERGETIQUE EDT 3.40 FL.OZ
VELOUR BLANC EDP 1.7 FL.OZ
BLEU INTENSE EDT 3.4 FL.OZ.
BRISES DE VIE EDT FE 3.4 FL.OZ
D'ARIEN EDT ATOM. X 3.4 FL.OZ.
DEVOS EDT X 3.4 FL.OZ.
DEVOS MAGNETIC EDT 3.4 FL.OZ.
DOMINE EDT X 3.4 FL.OZ.
EIA EDP X 1.7 FL.OZ.
ENERGETIQUE EDT 3.40 FL.OZ
FIANCEE EDP X 1.7 FL.OZ.
HISTOIRE MAGIQUE EDP 1.7 FL.OZ
HOMME 033 EDT X 3.4 FL.OZ.
ID EDT X 3.4 FL.OZ.
MITHYKA EDP X 1.7 FL.OZ.
PASSION B&S EDT X 3.4 FL.OZ.
REVE SENSUELLE EDP X 1.7 FL.OZ
SATIN ROUGE EDP 1.7 FL.OZ.

SENSUAL B&S EDT 3.4 FL.OZ
SIENNE EDP X 1.7 FL.OZ.
VELOUR BLANC EDP 1.7 FL.OZ
BRISES DE VIE EDT FE .33 FL.OZ
BRISES DE VIE EDT FE 3.4 FL.OZ
EST DAMA MINI USA 3 UN
SET COLLEC FRAGAN FEMME (USA)
SET COLLECTION FRAGRANCE
HOMME
SET REVE SENSUELLE (USA) 3 UN
BLEU INTENSE EDT 3.4 FL.OZ.
BRISES DE VIE EDT FE 3.4 FL.OZ
D'ARIEN EDT ATOM. X 3.4 FL.OZ.
DEVOS EDT X 3.4 FL.OZ.
DEVOS MAGNETIC EDT 3.4 FL.OZ.
DOMINE EDT X 3.4 FL.OZ.
EIA EDP X 1.7 FL.OZ.
FIANCEE EDP X 1.7 FL.OZ.
HISTOIRE MAGIQUE EDP 1.7 FL.OZ
HOMME 033 EDT X 3.4 FL.OZ.
ID EDT X 3.4 FL.OZ.
MITHYKA EDP X 1.7 FL.OZ.
PASSION B&S EDT X 3.4 FL.OZ.

REVE SENSUELLE EDP X 1.7 FL.OZ
 SATIN ROUGE EDP 1.7 FL.OZ.
 SENSUAL B&S EDT 3.4 FL.OZ
 SIENNE EDP X 1.7 FL.OZ.
 VELOUR BLANC EDP 1.7 FL.OZ
 BODY & SPIRIT PASS EAU 10 ML
 BODY & SPIRIT SENS EAU 10 ML
 BRISES DE VIE EDT FE .33 FL.OZ
 DEVOS EDT X 3.4 FL.OZ.
 ENERGETIQUE EDT 3.40 FL.OZ
 EST DAMA MINI USA 3 UN
 ESTUCHE CABALLEROS MINI USA
 FIANCEE EDP X 1.7 FL.OZ.
 FIANCEE EDP X .33 FL.OZ.
 HISTOIRE MAGIQUE EDP .33 FL.OZ
 HOMME 033 EDT X .33 FL.OZ.
 ID EDT X .33 FL.OZ.
 ID EDT X 3.4 FL.OZ.
 MITHYKA EDP X .33 FL.OZ.
 REVE SENSUELLE EDP X .33 FL.OZ
 SATIN ROUGE EDP X .33 FL.OZ.
 SET COLLEC FRAGAN FEMME (USA)
 SET COLLECTION FRAGRANCE
 HOMME
 SIENNE EDP X .33 FL.OZ.
 VELOUR BLANC EDP 1.7 FL.OZ
 VELOUR BLANC MINI 0.33 FL.OZ
 REVE SENSUELLE EDP X .33 FL.OZ
 SET COLLEC FRAGAN FEMME (USA)
 SET COLLECTION FRAGRANCE
 HOMME
 VELOUR BLANC MINI 0.33 FL.OZ
 ESS AST TON N-O 1.5 FL.OZ
 SET BIJOU SUPRÉMACIE USA
 SET GALA USA 3 UN
 SET ILUMINÉ USA
 SET SCU HYDRAFORCE N-D
 SET SCU HYDRAFORCE N-O
 SET SCU MATT & CONTROL
 SET SCU REGRESSION N-D
 SET SCU REGRESSION N-O
 SET SCU SUPREMACIE N-D
 SET SCU SUPREMACIE N-O
 COLLAGENESSE FILL TREAT 1 FLOZ
 COLLAGENESSE KIT TREATMENT
 7UN

DESAFIANCE NUT USA 50ML
 ESS BAL EXF MASK N-O 2.1OZ
 ESS MAKE UP REMOVER 4.2 FL.OZ
 HYDRAFORCE OJOS 0.52 OZ
 REGRESSION OJOS 0.52 OZ
 SET VIVIFIQUE DERM
 SUPREMACIE OJOS 0.52 OZ
 EXPERT DEFENSE E&L SPF30 .52OZ
 EXPERT DEFENSE SPF30 2.8OZ
 EXPERT DEFENSE SPF45 2.8 OZ
 LIBERTAGE NUT 1 FL.OZ
 RESURGIE FAC RESTO CR 1 FL.OZ
 SUPREMACIE DAYTIME CR 1.7 OZ
 SUPREMACIE NUIT 1.7 OZ
 AQUA REGRESS MO CR N-D 1.7 OZ
 CLARIFIQUE CLARI FOC CR 1 OZ
 CLARIFIQUE CLARI LOT 1.6 FL.OZ
 DEFENSE EVOL NUT 1 FL.OZ
 DESAFIANCE NUT USA 50ML
 ESS BAL EXF CR N-O 6 FL.OZ
 ESS BAL EXF MASK N-O 2.1OZ
 ESS CLEAN LOTION N-D 6 FL.OZ
 ESSENTIAL TON ASTRIN 6 FL.OZ
 ESSENTIAL TON ND 6 FL.OZ
 ESS EXF CLEAN CR N-O 6 FL.OZ
 ESS MAKE UP REMOVER 4.2 FL.OZ
 ESS SOFT MOIST ND CL 6 FL.OZ
 EXPERT DEFENSE E&L SPF30 .52OZ
 EXPERT DEFENSE SPF30 2.8OZ
 EXPERT DEFENSE SPF45 2.8 OZ
 HYDRAFORCE EXTRA N-D 1.7 OZ
 HYDRAFORCE EXTRA N-O 1.6 FL.OZ
 HYDRAFORCE OJOS 0.52 OZ
 LIBERTAGE NUT 1 FL.OZ
 MATT&C BAL CLEANSER FOAM
 6FLOZ
 MATT&C HYD MAT GEL 1.6 FL.OZ
 MATT & CONTROL TON 6.0 FL.OZ
 MATT&C PUR CLEAN FOAM 6FL.OZ
 REGRESSION MO CR GEL N-O 1.7OZ
 REGRESSION NUT FAC 1.7 OZ.
 REGRESSION OJOS 0.52 OZ
 RESURGIE FAC RESTO CR 1 FL.OZ
 SET VIVIFIQUE DERM
 SUPREMACIE DAYTIME CR 1.7 OZ
 SUPREMACIE NUIT 1.7 OZ

SUPREMACIE OJOS 0.52 OZ
 VIVIFIQUE ILLU COMP VITC 1.7OZ
 AQUA REGRESS MO CR N-D 1.7 OZ
 DESAFIANCE NUT USA 50ML
 ESS AST TON N-O 1.5 FL.OZ
 ESS BAL EXF CR N-O 1.5 FL.OZ
 ESS BAL EXF CR N-O 3 FL.OZ
 ESS BAL EXF CR N-O 6 FL.OZ
 ESS CL M-UP REMOVER 1.5FL.OZ
 ESSENTIAL TON 3 FL.OZ
 ESSENTIAL TON ASTRIN 6 FL.OZ
 ESSENTIAL TON ND 1.50 FL.OZ
 ESSENTIAL TON ND 3 FL.OZ
 ESSENTIAL TON ND 6 FL.OZ
 ESSENTIAL TON N-O 1.5 FL OZ
 ESS EXF CLEAN CR N-O 1.5 FL.OZ
 ESS HYD TON N-D 1.5 FL.OZ
 ESS MAKE UP REMOVER 1.5FL.OZ
 ESS SOFT MOIST ND CL 1.5 FL.OZ
 ESS SOFT MOIST ND CL 3 FL.OZ
 ESS SOFT MOIST ND CL 6 FL.OZ
 EXPERT DEFENSE SPF30 2.8OZ
 EXPERT DEFENSE SPF45 2.8 OZ
 HYDRAFORCE EXTRA N-D 1.7 OZ
 HYDRAFORCE EXTRA N-O 1.6 FL.OZ
 MATT&C HYD MAT GEL 1.6 FL.OZ
 MATT & CONTROL TON 3.0 FL.OZ
 MATT & CONTROL TON 6.0 FL.OZ
 MATT&C PUR CLEAN FOAM 3FL.OZ
 MATT&C PUR CLEAN FOAM 6FL.OZ
 REGRESSION MO CR GEL N-O 1.7OZ
 SET BIJOU SUPRÉMACIE USA
 SET GALA USA 3 UN
 SET ILUMINÉ USA
 SET SCU HYDRAFORCE N-D
 SET SCU HYDRAFORCE N-O
 SET SCU MATT & CONTROL
 SET SCU REGRESSION N-D
 SET SCU REGRESSION N-O
 SET SCU SUPREMACIE N-D
 SET SCU SUPREMACIE N-O
 SET SECRETS PERFECTION N-D
 SET SECRETS PERFECTION N-O
 SUPREMACIE DAYTIME CR 1.7 OZ
 AQUA REGRESS MO CR N-D 1.7 OZ
 CLARIFIQUE CLARI FOC CR 1 OZ

CLARIFIQUE CLARI LOT 1.6 FL.OZ
 COLLAGENESSE FILL TREAT 1 FLOZ
 COLLAGENESSE KIT TREATMENT
 7UN
 DEFENSE EVOL NUT 1 FL.OZ
 DESAFIANCE NUT USA 50ML
 ESS AST TON N-O 6 FL.OZ
 ESS BAL EXF CR N-O 6 FL.OZ
 ESS BAL EXF MASK N-O 2.1OZ
 ESS CLEAN LOTION N-D 6 FL.OZ
 ESSENTIAL REF CLEAN MASK 2.1OZ
 ESSENTIAL TON ASTRIN 6 FL.OZ
 ESSENTIAL TON ND 6 FL.OZ
 ESS EXF CLEAN CR N-O 6 FL.OZ
 ESS HYD TON N-D 6 FL.OZ
 ESS MAKE UP REMOVER 4.2 FL.OZ
 ESS SOFT MOIST ND CL 6 FL.OZ
 EXPERT DEFENSE E&L SPF30 .52OZ
 EXPERT DEFENSE SPF30 2.8OZ
 EXPERT DEFENSE SPF45 2.8 OZ
 HYDRAFORCE EXTRA N-D 1.7 OZ
 HYDRAFORCE EXTRA N-O 1.6 FL.OZ
 HYDRAFORCE OJOS 0.52 OZ
 LIBERTAGE NUT 1 FL.OZ
 MATT&C BAL CLEANSER FOAM
 6FLOZ
 MATT&C HYD MAT GEL 1.6 FL.OZ
 MATT&C MAT TONER 6 FL.OZ
 MATT & CONTROL TON 6.0 FL.OZ
 MATT&C PUR CLEAN FOAM 6FL.OZ
 REGRESSION MO CR GEL N-O 1.7OZ
 REGRESSION NUT FAC 1.7 OZ.
 REGRESSION OJOS 0.52 OZ
 RESURGIE FAC RESTO CR 1 FL.OZ
 SET VIVIFIQUE DERM
 SUPREMACIE DAYTIME CR 1.7 OZ
 SUPREMACIE NUIT 1.7 OZ
 SUPREMACIE OJOS 0.52 OZ
 VIVIFIQUE ILLU COMP VITC 1.7OZ
 AQUA REGRES CR GEL N-O 0.17OZ
 AQUA REGRESS MO CR N-D 0.17OZ
 AQUA REGRESS MO CR N-D 1.7 OZ
 AQUA REGRESS MO CR N-D 1 OZ
 CLARIFIQUE CLARI FOC CR 1 OZ
 CLARIFIQUE CLARI LOT .16 FL.OZ
 COLLAGENESSE FILL SA WC 1 UN

COLLAGENESSE FILL TREAT 1 FLOZ
 COLLAGENESSE KIT TREATMENT
 7UN
 COLLAGENESSE KIT TSWB 0.04FLOZ
 DEFENSE EVOL NUT 1 FL.OZ
 DESAFIANCE NUT USA 50ML
 DESAFIANCE NUT USA TS C/C 5 ML
 ESS AST TON N-O 1.5 FL.OZ
 ESS AST TON N-O 6 FL.OZ
 ESS BAL EXF CR N-O 1.5 FL.OZ
 ESS BAL EXF CR N-O 3 FL.OZ
 ESS CL M-UP REMOVER 1.5FL.OZ
 ESSENTIAL REF CLEAN MASK 2.1OZ
 ESSENTIAL TON 3 FL.OZ
 ESSENTIAL TON ASTRIN 6 FL.OZ
 ESSENTIAL TON ND 1.50 FL.OZ
 ESSENTIAL TON ND 3 FL.OZ
 ESSENTIAL TON ND 6 FL.OZ
 ESSENTIAL TON N-O 1.5 FL OZ
 ESS EXF CLEAN CR N-O 1.5 FL.OZ
 ESS HYD TON N-D 1.5 FL.OZ
 ESS HYD TON N-D 6 FL.OZ
 ESS MAKE UP REMOVER 1.5 FL.OZ
 ESS MAKE UP REMOVER 1.5FL.OZ
 ESS MAKE UP REMOVER 4.2 FL.OZ
 ESS SOFT MOIST ND CL 1.5 FL.OZ
 ESS SOFT MOIST ND CL 3 FL.OZ
 EST TRAT NOUV REGARD HYD USA
 EST TRAT NOUV REGARD REG USA
 EST TRAT NOUV REGARD SUP USA
 EXPERT DEFENSE E&L SPF30 .52OZ
 EXPERT DEFENSE SPF30 1.4OZ
 EXPERT DEFENSE SPF45 1.4. OZ
 EXPERT DEFENSE SPF45 2.8 OZ
 HYDRAFORCE EXTRA N-D 1 OZ
 HYDRAFORCE EXTRA N-O 1 FL.OZ
 HYDRAFORCE OJOS TS 0.10 OZ
 LIBERTAGE NUT TS W/B 0.17FLOZ
 MATT&C MAT TONER 6 FL.OZ
 MATT & CONTROL TON 1.50 FL.OZ
 MATT & CONTROL TON 6.0 FL.OZ
 MATT&C PUR CLEAN FOAM 1.5FL.OZ
 MATT&C PUR CLEAN FOAM 6FL.OZ
 REGRESSION MO CR GEL N-O 1.7OZ
 REGRESSION MO CR GEL N-O 1 OZ
 REGRESSION NUT FAC 0.17 OZ

REGRESSION OJOS TS 0.10 OZ
 RESURGIE FAC RES CR 0.16FL.OZ
 SET BLEU
 SET ROUTINE PARF HYDRAFORCE N-D
 SET ROUTINE PARF HYDRAFORCE N-O
 SET ROUTINE PARF REGRESSION N-D
 SET ROUTINE PARF REGRESSION N-O
 SET ROUTINE PARF SUPREMACIE
 SET SCU MATT & CONTROL
 SET SCU REGRESSION N-D
 SET SCU REGRESSION N-O
 SET SCU SUPREMACIE N-D
 SET SCU SUPREMACIE N-O
 SET SECRETS PERFECTION N-D
 SET SECRETS PERFECTION N-O
 SET VIVIFIQUE DERM
 SUPREMACIE DAYTIME CR 0.17 OZ
 SUPREMACIE DAYTIME CR 1 OZ
 SUPREMACIE NUIT TS W/B 0.17 OZ
 SUPREMACIE OJOS TS 0.10 OZ
 AQUA REGRESS MO CR N-D 1 OZ
 CLARIFIQUE CLARI FOC CR 1 OZ
 DESAFIANCE NUT USA TS C/C 5 ML
 ESS AST TON N-O 1.5 FL.OZ
 ESS BAL EXF CR N-O 1.5 FL.OZ
 ESS CL M-UP REMOVER 1.5FL.OZ
 ESSENTIAL TON ND 1.50 FL.OZ
 ESSENTIAL TON N-O 1.5 FL OZ
 ESS EXF CLEAN CR N-O 1.5 FL.OZ
 ESS HYD TON N-D 1.5 FL.OZ
 ESS MAKE UP REMOVER 1.5 FL.OZ
 ESS MAKE UP REMOVER 1.5FL.OZ
 ESS SOFT MOIST ND CL 1.5 FL.OZ
 EST TRAT NOUV REGARD HYD USA
 EST TRAT NOUV REGARD REG USA
 EST TRAT NOUV REGARD SUP USA
 LIBERTAGE NUT TS W/B 0.17FLOZ
 MATT & CONTROL TON 1.50 FL.OZ
 MATT&C PUR CLEAN FOAM 1.5FL.OZ
 REGRESSION MO CR GEL N-O 1 OZ
 REGRESSION NUT FAC 0.17 OZ
 REGRESSION OJOS TS 0.10 OZ
 RESURGIE FAC RES CR 0.16FL.OZ
 SET BLEU
 SET MULTIBOX
 SET ROUTINE PARF HYDRAFORCE N-D

SET ROUTINE PARF HYDRAFORCE N-O
SET ROUTINE PARF REGRESSION N-D
SET ROUTINE PARF REGRESSION N-O
SET ROUTINE PARF SUPREMACIE

SUPREMACIE DAYTIME CR 1 OZ
SUPREMACIE NUIT TS W/B 0.17 OZ
SUPREMACIE OJOS TS 0.10 OZ

INTERROGATORY NO. 2:

(a) Identify Applicant's first use of Applicant's MARK in interstate commerce in connection with each of the goods named in answer to Interrogatory No. 1, including the date of such use, the goods on which Applicant's MARK was first used, details of any bona fide sales involved, and the customer, if any, which purchased the specific product.

(b) For each matter identified in (a) above, identify the persons having the most knowledge of such use.

(c) If Applicant has not yet used the mark in commerce for some or all of the goods specified in Application No. 76/628453, state the activities undertaken by Applicant showing that it has an intent to use the mark on each of the goods claimed in the application.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that this interrogatory may seek the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that initial sales for L'BEL PARIS products in the United States commenced on or around September 20, 2005. Applicant further states that the individual with knowledge of products bearing the L'BEL PARIS Mark is Ms. Olga Cornejo de Arana, Vice President, Ebel International Limited.

INTERROGATORY NO. 3:

- (a) Identify all persons who approved the selection of Applicant's MARK.
- (b) Describe the specific reasons for the selection of Applicant's MARK.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, and oppressive. Applicant further objects on the ground that this interrogatory may seek the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that the individual who selected the L'BEL PARIS Mark is Mr. Eduardo Belmont Anderson, President, Ebel International Limited. Applicant further states that Mr. Belmont Anderson selected the Mark as a variation for the U.S. market of the EBEL PARIS Mark owned by Applicant in many countries around the world.

INTERROGATORY NO. 4:

Identify all persons who have final authority for the marketing, advertising and/or promotion of products for Applicant's MARK.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that this interrogatory may seek the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that the individual in charge of marketing, advertising and promotion for products bearing the L'BEL PARIS Mark is Ms. Olga Cornejo de Arana, Vice President, Ebel International Limited.

INTERROGATORY NO. 5:

(a) Identify the specific geographic location(s) where Applicant's Goods for L'BEL PARIS are manufactured.

- (b) Identify all ingredients utilized in each of Applicant's Goods.
- (c) Identify the specific the geographic locations where such ingredients are obtained.
- (d) Identify the specific geographic location(s) where Applicant's Goods for L'BEL PARIS are packaged.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory with respect to items (b) and (c) on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects to items (a) and (d) on the ground that they seek the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that goods sold under the L'BEL PARIS Mark are manufactured in Saumur and Maromme, France. Applicant further states that its subsidiary, Ebel International France, which is based and operates from its location in Paris, France, manages, handles, and is in charge of all logistical and quality control issues in connection with the manufacture and production in France of products sold under the L'BEL PARIS MARK. Applicant further states that all products sold under the L'BEL PARIS Mark are conceptualized and developed by French providers and suppliers in France.

INTERROGATORY NO. 6:

If the mark is not yet in use for some or all Applicant's Goods:

- (a) Identify the specific geographic location(s) where Applicant's Goods for L'BEL PARIS will be manufactured.
- (b) Identify all ingredients that will be utilized in each of Applicant's Goods.
- (c) Identify the specific the geographic locations where such ingredients will be obtained.

(d) Identify the specific geographic location(s) where Applicant's Goods for L'BEL PARIS will be packaged.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory with respect to items (b) and (c) on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects to items (a) and (d) on the ground that they seek the disclosure of confidential business information. Subject to, and without waiving its objections, Applicant states that the Mark L'BEL PARIS is already in use.

INTERROGATORY NO. 7:

(a) Specify the facts and circumstances that support Applicant's claim in Paragraph 7 of the Answer to the Opposition that "Ebel International Limited (France)...is based in Paris France."

(b) State the street number and street address of Ebel International Limited (France) in Paris, France.

(c) State whether Applicant's Goods are manufactured at said address.

(d) State whether Applicant's Goods are packaged at said address.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Subject to and without waiving its objections, Applicant states that Ebel International France is a French entity which is based and operates from its location at 16, place Vendome, 75001 Paris, France.

Applicant further states that goods sold under the Mark L'BEL PARIS are not directly manufactured nor packaged at said address. Applicant further states that Ebel International France, from its location in Paris, France, manages, handles, and is in charge of all logistical and

quality control issues in connection with the manufacture and production in France of products sold under the L'BEL PARIS MARK. Applicant further states that all products sold under the L'BEL PARIS Mark are conceptualized and developed by French providers and suppliers in France.

INTERROGATORY NO. 8:

(a) Specify the facts and circumstances that support Applicant's claim in Paragraph 8 of the Answer to the Opposition that "Applicant's products using the mark L'BEL PARIS are manufactured in conjunction with...the Centre de Biodermatologie des Laboratoires Serobiologiques...located in France."

(b) State the street number and street address of Centre de Biodermatologie des Laboratoires Serobiologiques.

(c) State whether the Centre de Biodermatologie des Laboratoires Serobiologiques has a business establishment in Paris, France.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it seeks the disclosure of confidential business information with respect to item (a). Applicant further objects to this interrogatory with regards to item (c) on the ground that it seeks information in the custody of third-parties over whom Applicant does not exercise control. Subject to and without waiving its objections, Applicant states that the Centre de Biodermatologie des Laboratoires Serobiologiques is located at 3 rue de Seichamps, B.P. 40, 54425 Pulnoy Cedex, France.

INTERROGATORY NO. 9:

If the L'BEL PARIS has been used in commerce, state the sales in dollars and units by Applicant for all goods sold under Applicant's MARK since the date of first use by month.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that this interrogatory seeks the disclosure of confidential business information.

INTERROGATORY NO. 10:

(a) State whether Applicant engages in advertising or other promotional activities relative to Applicant's Goods bearing or connected with Applicant's MARK.

(b) If the answer to (a) above is in the affirmative:

(i) Identify the types of advertising or promotional activities, including but not limited to catalogs, brochures or other media, including the Internet, or advertising means in which applicant has used Applicant's MARK.

(ii) Identify the amount of money in dollars expended for advertising and promotion of goods bearing Applicant's MARK since the date of first use, by month or other relevant period.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that item (b)(ii) of this interrogatory seeks the disclosure of confidential business information. Subject to and without waiving its objections, Applicant states that goods sold under the L'BEL PARIS Mark are

advertised and marketed through various means including, but not limited to, catalogs, brochures, printed publications, and the Internet through the www.lbel.com website.

INTERROGATORY NO. 11:

Identify all trademark searches and investigations, including all opinion letters or memos relating thereto, conducted by or for Applicant's MARK and/or the word PARIS including:

- (a) all marks searched and investigated;
- (b) by whom such searches and investigations were authorized;
- (c) whether a written report was rendered pursuant to these searches and investigations.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Applicant further objects on the ground that this request may seek the disclosure of confidential business information, or of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection.

INTERROGATORY NO. 12:

Identify all proceedings (including but not limited to the Federal Courts, State Courts and the Patent and Trademark Office) in which Applicant has been or is involved which refer or relate to products or services to be sold in connection with Applicant's MARK; and identify all documents related thereto.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further states that on January 20, 2006, Opposer filed with the Trademark Trial and Appeal Board a notice of opposition to registration of the mark shown in Ebel International Limited's

Application No. 76/628,456, L'BEL PARIS, for cosmetics. The proceeding is pending. Documents related to said proceeding are available publicly at the U.S. Patent and Trademark's Office website at www.uspto.gov.

INTERROGATORY NO. 13:

Identify all documents in Applicant's possession or control referring or relating to Opposer.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, and oppressive. Applicant further objects on the ground that this request may seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection. Subject to and without waiving its objections, Applicant states that it is not aware of any documents related to Opposer outside those in connection with the present Opposition, such as the Notice of Opposition. Applicant further states that such documents are available publicly through the website of the U.S. Patent and Trademark Office at www.uspto.gov.

INTERROGATORY NO. 14:

(a) State whether Applicant has knowledge that third parties unrelated to Applicant or Opposer are using a trademark comprising the term PARIS in whole or in part for perfume or cosmetics not manufactured in France.

(b) If the answer to (a) above is anything other than an unqualified no, identify the trademark and identify the third party user.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly

burdensome, and oppressive. Applicant further objects on the ground that this request may seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection. Applicant further objects to this interrogatory on the ground that it seeks information in the custody of third-parties over whom Applicant does not exercise control.

INTERROGATORY NO. 15:

(a) Has Applicant or any person acting for or on its behalf obtained any statements or opinions regarding any of the issues in this opposition proceeding?

(b) If so, identify the person or persons who rendered each statement or opinion, state whether it was oral or in writing, and identify all documents which refer or relate thereto.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, and oppressive. Applicant further objects on the ground that this request may seek the disclosure of information protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or protection.

INTERROGATORY NO. 16:

Identify the witnesses Applicant intends to call to testify on its behalf and identify the documents upon which Applicant intends to rely in connection with this opposition proceeding.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further states that at this time it has not yet made a determination as to the witnesses, if any, that it intends to rely on for the trial stage at this proceeding. Once such witness list is available, Applicant will provide a copy of the list to Opposer.

INTERROGATORY NO. 17:

Identify each person who participated in the preparation of Applicant's responses to the foregoing interrogatories and who furnished any information in response thereto.

ANSWER:

Angel Acevedo, International Project Manager, Ebel International Limited, with the assistance of Applicant's outside counsel.

VERIFICATION

In accordance with the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this ____ day of September, 2006.

EBEL INTERNATIONAL LIMITED

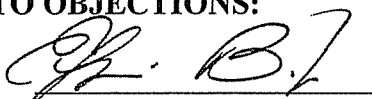
By _____

Printed Name _____

Title _____

AS TO OBJECTIONS:

By:



Cristina Carvalho

Efrain Brito

ARENT FOX PLLC

1050 Connecticut Ave., NW

Washington, D.C. 20036

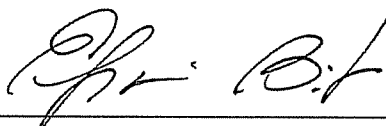
202-857-6000

ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2006, a copy of APPLICANT'S ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES was sent by U.S. mail, first class postage prepaid, in an envelope addressed to Opposer's counsel of record:

Julie B. Seyler
Abelman Frayne & Schwab
666 Third Avenue
New York, New York 10017



Efrain Brito
Attorney
ARENT FOX PLLC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: U.S. Application Serial No. 76/628453

Mark: L'BEL PARIS

Published: November 1, 2005

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE,

Opposer,

v.

EBEL INTERNATIONAL LIMITED,

Applicant.

Opposition No. 91168756

OPPOSER'S THIRD SET
OF INTERROGATORIES
TO APPLICANT

Pursuant to Rule 2.120 of the U.S. Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure, Opposer FEDERATION DES INDUSTRIES DE LA PARFUMERIE ("Opposer") propounds to Applicant EBEL INTERNATIONAL LIMITED ("Applicant") the following interrogatories to be answered, separately and fully in writing under oath, by serving written responses to the offices of Abelman, Frayne & Schwab, 666 Third Avenue, New York, New York 10017 within THIRTY (30) DAYS of the date hereof.

Opposer incorporates by reference the instructions and definitions set forth in *Opposer's Interrogatories to Applicant* dated July 28, 2006.

INTERROGATORIES

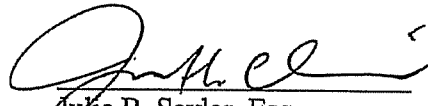
32. State the total sales in dollars and total units sold of Applicant Goods sold under any mark other than Applicant's MARK.

33. (a) State whether Applicant engages in advertising or other promotional activities relating to Applicant's Goods bearing or connected with any mark other than Applicant's MARK.

(b) If the answer to (a) above is in the affirmative:

- (i) Identify the types of advertising or promotional activities, including but not limited to catalogs, brochures or other media.
- (ii) Identify the amount of money in dollars expended for advertising and promotion of Applicant's Goods bearing or connected with any mark other than Applicant's MARK.

Date: June 26, 2007
New York, New York


Julie B. Seyler, Esq.
John H. Choi, Esq.
Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of June 2007, I caused a true and correct copy of the foregoing OPPOSER'S THIRD SET OF INTERROGATORIES TO APPLICANT to be served by email and first class mail, postage prepaid, upon:

Cristina Carvalho, Esq. (carvalho.cristina@arentfox.com)
Efrain Brito, Esq. (brito.efrain@arentfox.com)
Arent Fox, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Efrain Brito", is written over a horizontal line.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE

Opposer

v.

EBEL INTERNATIONAL LIMITED

Applicant

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Opposition No. 91168756

**APPLICANT'S ANSWERS TO OPPOSER'S
THIRD SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Applicant, Ebel International Limited ("Applicant"), by and through counsel, hereby responds to Opposer's Third Set of Interrogatories. The Introduction and General Objections contained in Applicant's Responses to Opposer's First Set of Interrogatories are incorporated herein by reference.

INTERROGATORIES

INTERROGATORY NO. 32:

State the total sales in dollars and total units sold of Applicant's Goods sold under any mark other than Applicant's MARK.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

INTERROGATORY NO. 33:

(a) State whether Applicant engages in advertising or other promotional activities relating to Applicant's Goods bearing or connected with any mark other than Applicant's MARK.

(b) If the answer is in the affirmative:

(i) Identify the types of advertising or promotional activities, including but not limited to catalogs, brochures, or other media.

(ii) Identify the amount of money in dollars expended for advertising and promotion of Applicant's Goods bearing or connected with any mark other than Applicant's MARK.

ANSWER:

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to, and without waiving its objections, Applicant states that it does advertise goods and services under marks other than Applicant's MARK via catalogs, print media, and other forms of advertising.

VERIFICATION

In accordance with the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this ____ day of August, 2007.

EBEL INTERNATIONAL LIMITED

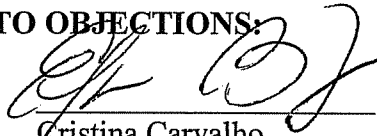
By _____

Printed Name _____

Title _____

AS TO OBJECTIONS:

By:



Cristina Carvalho

Efrain Brito

ARENT FOX LLP

1050 Connecticut Ave., NW

Washington, D.C. 20036

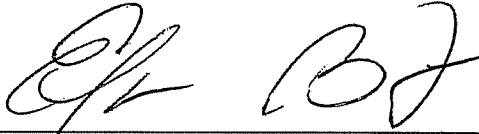
202-857-6000

ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2007, a copy of APPLICANT'S ANSWERS TO OPPOSER'S THIRD SET OF INTERROGATORIES was sent by U.S. mail, first class postage prepaid, in an envelope addressed to Opposer's counsel of record:

Julie B. Seyler
John H. Choi
Abelman Frayne & Schwab
666 Third Avenue
New York, New York 10017

Two handwritten signatures are present above a horizontal line. The signature on the left is 'EB' for Efrain Brito, and the signature on the right is 'JB' for Julie B. Seyler.

Efrain Brito
Attorney
ARENT FOX LLP

VERIFICATION

In accordance with the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 6 day of August, 2007.

EBEL INTERNATIONAL LIMITED

By my

Printed Name ANGEL ACEVEDO

Title International Project Manager

AS TO OBJECTIONS,

By:

Cristina Carvalho

Efrain Brito

ARENT FOX LLP

1050 Connecticut Ave., NW

Washington, D.C. 20036

202-857-6000

ATTORNEYS FOR REGISTRANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: U.S. Application Serial No. 76/628453
Mark: L'BEL PARIS
Published: November 1, 2005

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE,

Opposer,

v.

EBEL INTERNATIONAL LIMITED,

Applicant.

Opposition No. 91168756

**OPPOSER'S SECOND SET
OF REQUESTS FOR
PRODUCTION OF
DOCUMENTS AND THINGS**

Pursuant to Rule 2.120 of the U.S. Trademark Rules of Practice and Rule 34 of the Federal Rules of Civil Procedure, Opposer FEDERATION DES INDUSTRIES DE LA PARFUMERIE ("Opposer") requests that Applicant EBEL INTERNATIONAL LIMITED ("Applicant") produce the documents and things described below at the offices of Abelman, Frayne & Schwab, 666 Third Avenue, New York, New York 10017 within THIRTY (30) DAYS of the date hereof.

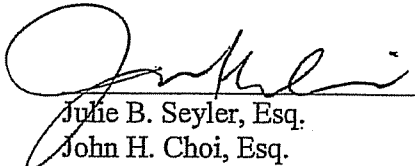
Opposer incorporates by reference the instructions and definitions set forth in *Opposer's First Request to Applicant for Production of Documents* dated July 28, 2006.

REQUESTS FOR PRODUCTION

30. Documents sufficient to show total sales in dollars and total units sold of Applicant Goods sold under any mark other than Applicant's MARK.

31. Documents sufficient to show total money spent by Applicant on advertising Applicant's Goods bearing any mark other than Applicant's MARK.

Date: June 26, 2007
New York, New York


Julie B. Seyler, Esq.
John H. Choi, Esq.
Abelman, Frayne & Schwab
666 Third Avenue
New York, New York 10017
(212) 949-9022

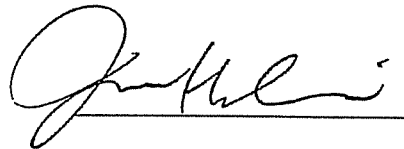
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of June 2007, I caused a true and correct copy of the foregoing OPPOSER'S SECOND SET OF REQUESTS FOR DOCUMENTS AND THINGS to be served by email and first class mail, postage prepaid, upon:

Cristina Carvalho, Esq. (carvalho.cristina@arentfox.com)
Efrain Brito, Esq. (brito.efrain@arentfox.com)
Arent Fox, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Efrain Brito", is written over a horizontal line.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FEDERATION DES INDUSTRIES DE LA
PARFUMERIE

Opposer

v.

EBEL INTERNATIONAL LIMITED

Applicant

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Opposition No. 91168756

**APPLICANT'S ANSWERS TO OPPOSER'S
SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Registrant Transaction Network Services, Inc. Applicant, Ebel International Limited ("Applicant"), by and through counsel, hereby responds to Opposer's Second Set of Requests for Production of Documents and Things. The Introduction and General Objections contained in Applicant's Responses to Opposer's First Request for Production of Documents is incorporated herein by reference.

RESPONSES

30. Documents sufficient to show total sales in dollars and total units sold of Applicant's Goods sold under any mark other than Applicant's MARK.

RESPONSE


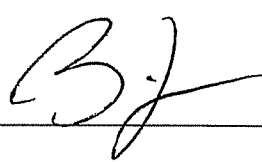
Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

31. Documents sufficient to show total money spent by Applicant on advertising Applicant's Goods bearing any mark other than Applicant's MARK.

RESPONSE

Applicant incorporates its General Objections as if set forth fully herein. Applicant further objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

EBEL INTERNATIONAL LIMITED

By:  



Cristina Carvalho
Efrain Brito
Arent Fox, LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 857-6000

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2007, a copy of APPLICANT'S RESPONSES TO OPPOSER'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS was sent by U.S. mail, first class postage prepaid, in an envelope addressed to Opposer's counsel of record:

Julie B. Seyler
John H. Choi
Abelman Frayne & Schwab
666 Third Avenue
New York, New York 10017



Efrain Brito
Attorney
ARENT FOX LLP

EXHIBIT 2

Lawrence E. Abelman
Jeffrey A. Schwab
Victor M. Tannenbaum
Peter J. Lynfield
Alan J. Hartnick
Caridad Pifeiro Scordato
Michael Aschen
Julianne Abelman
Jonathan W. Gumpert
Julie B. Seyler
Marie Anne Mastrovito
Joseph J. Catanzaro
Anthony A. Coppola
Richard L. Crisona
Ned W. Branthover
Anthony J. DiFilippi

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017-5621

Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail@lawabel.com

Of Counsel:
Norman S. Beier
Alan D. Gilliland
Thomas E. Spath
Melvin L. Ortner
Constance Golden
J. David Dainow
David Toren

Jay S. Cinamon
Wayne J. Gu
Michael J. Schwab
Jennifer R. Waitman
Natasha J. Burns
Frank Terranella
Anthony J. Natoli
Steven M. Hertzberg
John H. Choi

*Alexander Zinchuk
*(Registered Patent Agent)

May 3, 2007

Via e-mail (brito.efrain@arentfox.com)

Efrain Brito, Esq.
Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036

Re: *Federation Des Industries De La Parfumerie v. Ebel International Limited – Opposition No. 91168756 (consolidated)*
Our Ref.: 215563

Dear Mr. Brito:

We write in response to *Applicant's Answers to Opposer's First Set of Interrogatories, Applicant's Answers to Opposer's First Request for Production of Documents* and related document production.

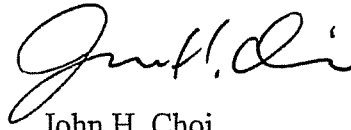
After review of Applicant's written responses and document production, we note that the responses are deficient in many respects. As an initial matter, we would like to know whether Applicant will be supplementing its responses and document production in light of the recently entered Stipulated Protective Order. In particular, Applicant objected to Interrogatory Nos. 1-6 and 8-11 on the ground that it "may seek the disclosure of confidential business information." In response to Document Request Nos. 1-13; 16-18; 21-24; and 27, Applicant objected on the same ground and stated that that "responsive documents containing confidential business information will only be produced upon entry of an acceptable protective order."

Efrain Brito, Esq.
May 3, 2007
Page 2

ABELMAN, FRAYNE & SCHWAB

As discovery is set to close on June 11, 2007, please let us know by May 9, 2007 whether Applicant will supplement its discovery responses and document production, which responses will be supplemented and when we should expect the supplemental responses and documents. We will address the remaining deficiencies in more detail upon receipt of this information. In addition, please let us know when we should expect Applicant's privilege log.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Choi", written in a cursive style.

John H. Choi

cc: Cristina A. Carvalho, Esq. (via e-mail to carvalho.cristina@arentfox.com)

Arent Fox

Privileged & Confidential

May 18, 2007

VIA FEDERAL EXPRESS

John H. Choi
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017

Efrain Brito
202.715.8413 DIRECT
brito.efrain@arentfox.com

Reference Number
027265.00056

RECEIVED
MAY 21 2007
ABELMAN, FRAYNE & SCHWAB

Re: Federation Des Industries De La Parfumarie v. Ebel International Limited
Opposition No. 91168756

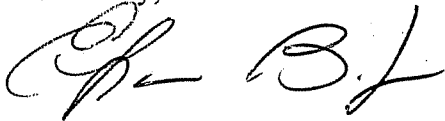
Dear Ms. Seyler:

We write in reference to your correspondence dated May 3, 2007 and May 17, 2007 in connection your client's Request for Production of Documents. Pursuant to our conversation of May 16, 2007, and in compliance with our obligations under TTAB rules, enclosed are is our second set of responsive documents, which have been labeled LP 02002 to LP 03720.

This set of documents includes confidential documents which have been appropriately labeled as such and are being produced pursuant to the Stipulated Protective Order entered by the TTAB.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Efrain Brito

Enclosures

cc: Mónica Alarcón Mercado

Lawrence E. Abelman
Jeffrey A. Schwab
Victor M. Tannenbaum
Peter J. Lynfield
Alan J. Hartnick
Caridad Piñeiro Scordato
Michael Aschen
Julianne Abelman
Jonathan W. Gumpert
Julie B. Seyler
Marie Anne Mastrovito
Joseph J. Catanzaro
Anthony A. Coppola
Richard L. Crisona
Ned W. Branthover
Anthony J. DiFilippi

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017-5621

Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail@lawabel.com

Of Counsel:
Norman S. Beier
Alan D. Gilliland
Thomas E. Spath
Melvin L. Ortner
Constance Golden
J. David Dainow
David Toren

Jay S. Cinamon
Wayne J. Gu
Michael J. Schwab
Jennifer R. Waitman
Natasha J. Burns
Frank Terranella
Anthony J. Natoli
Steven M. Hertzberg
John H. Choi

*Alexander Zinchuk
*(Registered Patent Agent)

May 24, 2007

via e-mail (brito.efrain@arentfox.com)

Efrain Brito, Esq.
Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036

Re: *Federation Des Industries De La Parfumerie v. Ebel International Limited – Opposition No. 91168756 (consolidated)*
Our Ref.: 215563

Dear Mr. Brito:

We have reviewed *Applicant's Answers to Opposer's First Set of Interrogatories*, *Applicant's Answers to Opposer's First Request for Production of Documents* and related document production (control numbers LP 0001 – LP 3720). The responses and document production are deficient in many respects.

Document Requests

Request No. 1

It is unclear whether Applicant has identified documents in its responses to Opposer's Interrogatories. Nevertheless, Applicant has stated that it "will produce responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges." Please let us know whether Applicant has identified documents in response to Opposer's Interrogatories and if so please identify them by control number.

Request Nos. 2, 5, 8, 12, 18, 23 and 24

In response to these requests, Applicant has stated that it “will produce responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges.” Please confirm that no responsive documents exist as it appears that no responsive documents have been produced. If you believe otherwise, please identify the documents responsive to each request by control number.

Request No. 26

Opposer is requesting a privilege log. Applicant has stated that it “is not aware of any responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges.” Please confirm that no privileged documents exist. If privileged documents exist, please state so and let us know when we should expect a privilege log.

Request No. 29

Opposer is requesting a log of any responsive documents that may have been lost or destroyed. Applicant has stated that it “is not aware of any responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges.” Please confirm that no responsive documents were lost or destroyed. If there have been lost or destroyed documents that would have been responsive to any request, please state so and let us know when we should expect a log.

Interrogatories

Interrogatory No. 5

Applicant has objected to “items (a) and (d) on the ground that they seek the disclosure of confidential business information.” In light of the recently entered Stipulated Protective Order, please let us know when we should expect the information requested.

Interrogatory No. 9

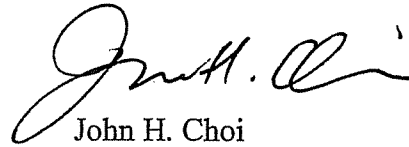
Applicant has withheld an answer on the ground that this interrogatory seeks the disclosure of confidential business information. In light of the recently entered Stipulated Protective Order, please let us know when we should expect the information requested.

Interrogatory No. 10

Applicant has withheld an answer to item (b)(ii) on the ground that it seeks the disclosure of confidential business information. In light of the recently entered Stipulated Protective Order, please let us know when we should expect the information requested.

As discovery is set to close on June 11, 2007, please let us have your response by **May 30, 2007**. Please consider this letter to be Opposer's good faith effort to resolve the issues presented above pursuant to *TBMP* § 523.02.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Choi", written in a cursive style.

John H. Choi

cc: Cristina A. Carvalho, Esq. (via e-mail to carvalho.cristina@arentfox.com)

Arent Fox

Privileged & Confidential

June 8, 2007

VIA E-MAIL

John H. Choi
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017

Efrain Brito

Attorney
202.715.8413 DIRECT
202.857.6395 FAX
brito.efrain@arentfox.com

Reference Number
027265-00056

Re: Federation Des Industries De la Parfumarie ("FIP") v. Ebel International Limited
("Ebel") - Opposition No. 91168756

Dear Mr. Choi:

This letter is in response to your correspondence dated May 24, 2007 in which your client alleges a series of deficiencies in the responses and documents produced by our client in connection with FIP's discovery requests. Ebel has produced all responsive, non-privileged documents that it could locate after a reasonable search of their files although it continues searching for any available responsive documents. Additionally, Ebel's discovery responses specifically stated that "any response stating that documents will be produced means only to the extent such documents in fact exist and is not a representation that documents do in fact exist."

Subject to, and without waiving any of its objections, Ebel states as follows:

Request No. 1:

It is clear that our client did not represent in any of its Answers to Opposer's Interrogatories that documents would be produced in connection with such requests. While the majority of the documents produced by Ebel are responsive to Opposer's Interrogatories, Ebel has not identified specific documents as responsive to a specific Interrogatory. In turn, such documents were produced in connection with Opposer's production request.

Request No. 2:

With regards to Request No. 2, Ebel's answer in connection with Opposer's Interrogatory No. 3 is responsive to this request. At this time, Ebel is not aware of any responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges responsive to this request.

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Request No. 5:

Subject to and without waiving its objections, Ebel will produce responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges.

Request No. 8:

Ebel has indeed provided responsive documents to this request, including but not limited to documents labeled LP 02647-LP 02684.

Request No. 12:

Ebel has indeed provided responsive documents to this request, including but not limited to documents labeled LP 03280-LP 03631.

Request No. 18:

Ebel has indeed provided responsive documents to this request, including but not limited to documents labeled LP 03631-LP 03632 and documents identified above in connection with Request No. 8 and 12.

Request No. 23:

Without waiving any of its objections, Ebel is not aware of any responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges responsive to this request.

Request No. 24:

Without waiving any of its objections, Ebel is not aware of any responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges responsive to this request.

Request No. 26:

Without waiving any of its objections, Ebel at this time has not identified responsive documents that have been withheld on the grounds of attorney-client privilege, work-product privilege, or other applicable privileges. However, Ebel is in the process of searching for additional documents that may be responsive to this request, and in the process of preparing a privilege log.

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Request No. 29:

Without waiving any of its objections, Ebel is not aware of any responsive documents that were within its custody and control and could be located, and that were not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges responsive to this request that have been destroyed.

Interrogatories

Interrogatory No. 5:

Without waiving any of its objections, Ebel states that documents responsive to this Interrogatory were produced in connection with Request for Production No. 18 and 19.

Interrogatory No. 9

Without waiving any of its objections, Ebel states that it objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

Interrogatory No. 10 (b)(ii)

Without waiving any of its objections, Ebel states that it objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

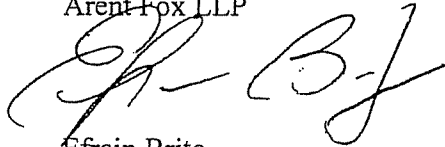
Ebel will continue to supplement its document production if and when any additional responsive documents are located and does not waive its right to use or rely on at any time, subsequently discovered information or information omitted from its production or responses as a result of mistake, error, oversight, or inadvertence.

Arent Fox

Please let me know if you have any questions or concerns.

Sincerely,

Arent Fox LLP



Efrain Brito

cc: Ricardo Fischer

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November 13, 2007

via e-mail (brito.efrain@arentfox.com)

Efrain Brito, Esq.
Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036

Re: *Federation Des Industries De La Parfumerie v. Ebel International Limited – Opposition No. 91168756 (consolidated)*
Our Ref.: 215563

Dear Efrain:

We write in response to your letter dated June 8, 2007 and Applicant's August 6, 2007 responses to Opposer's various discovery requests.

Applicant's Responses to Opposer's Document Requests

Request No. 5: You stated that Ebel will produce responsive documents. We expect those documents no later than December 11, 2007.

Request No. 16: You have not responded to our June 6, 2007 letter requesting for samples of containers and/or packages used in connection with goods bearing Applicant's MARK.

Request No. 26: You stated that Ebel is "in the process of preparing a privilege log."

Request No. 30 calls for "[d]ocuments sufficient to show total sales in dollars and total units sold of Applicant's Goods sold under any mark other than Applicant's MARK." Ebel objects to the request stating that it is "vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the

pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.”

We believe that the scope of the request is sufficiently limited and that the language of the request is clear as to what is being requested. The documents requested are relevant at least to the extent that it would show the significance of using the word PARIS in connection with the sale of Applicant’s Goods versus Applicant’s Goods without Applicant’s MARK.

Request No. 31 calls for “[d]ocuments sufficient to show total money spent by Applicant on advertising Applicant’s Goods bearing any mark other than Applicant’s MARK.” Ebel again objects to the request stating that it is “vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.”

We believe that the scope of the request is sufficiently limited and that the language of the request is clear as to what is being requested. The documents requested are relevant at least to the extent that it would show the significance of Applicant’s Goods having Applicant’s MARK relative to Applicant’s Goods without Applicant’s MARK.

Applicant’s Responses to Opposer’s Interrogatories

Interrogatory Nos. 9 and 10(b)(ii): Applicant continues to refuse to provide information regarding sales revenue and advertising expenditures for goods sold under Applicant’s MARK. This information is relevant at least toward the significance of using the word PARIS in connection with the sale of Applicant’s Goods.

Interrogatory No. 19 seeks the “geographic origin of raw ingredients used in Applicant’s Goods.” See comments for Requests for Admission Nos. 5 and 6.

Interrogatory No. 32 seeks “the total sales in dollars and total units sold of Applicant’s Goods sold under any mark other than Applicant’s MARK.” See comments for Document Request No. 30.

Interrogatory No. 33 seeks “whether Applicant engages in advertising or other promotional activities relating to Applicant’s Goods bearing or connected with any mark other than Applicant’s MARK.” Applicant’s response is vague and it appears that it intended on responding that it does not engage in those activities for non-PARIS marked goods. Please confirm.

Furthermore, please let us know when we should expect Applicant’s verifications for the responses to interrogatories.

Ebel's Responses to Opposer's Requests for Admission

Request Nos. 5 and 6 seek the origin of the raw ingredients used in Applicant's Goods. Ebel objects to the requests stating that they are "vague, ambiguous, overbroad, unduly burdensome, oppressive" and that the terms "raw ingredients" and "originate from" have not been defined.

"Raw ingredients" means any ingredient used to manufacture Applicant's Goods and "originate from" means manufactured. Please let us know Applicant's response.

Request No. 35 requests that Applicant "[a]dmit that Applicant's Goods sold under Applicant's MARK are more expensive than the equivalent Applicant's Goods sold under marks other than Applicant's MARK." Ebel objects to the request stating that it is "vague, ambiguous, overbroad, unduly burdensome, oppressive" and that the terms "more expensive" and "equivalent" have not been defined.

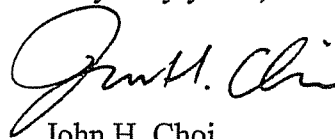
"More expensive" means at a higher price and "equivalent" means another of Applicant's Goods used for the same application with substantially the same ingredients. Please let us know Applicant's response.

Request No. 38 requests that Applicant "[a]dmit that the inclusion of the word PARIS increases the marketing value of Applicant's Goods." Ebel objects to the request stating that it is "vague, ambiguous, overbroad, unduly burdensome, oppressive" and that the term "marketing value" has not been defined.

"Marketing value" means more sales than those Applicant's Goods that do not include the word PARIS. Please let us know Applicant's response.

We would like your responses no later than **December 11, 2007**. Please consider this our good faith effort to resolve the outstanding issues related to discovery. In the event we do not receive the documents and responses by December 11, 2007, we shall consider filing a motion to compel with the TTAB. Please let us know if you have any questions.

Very truly yours,



John H. Choi

cc: Julie B. Seyler, Esq.

Arent Fox

Privileged & Confidential

December 18, 2007

VIA E-MAIL

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Re: Federation Des Industries De la Parfumarie ("FIP") v. Ebel International Limited
("Ebel") - Opposition No. 91168756

Dear Mr. Choi:

This letter is in response to your correspondence dated November 13, 2007 in which your client alleges a series of deficiencies in the responses and documents produced by our client in connection with FIP's discovery requests. We would like to reiterate that to date, Ebel has produced all responsive, non-privileged documents that it could locate after a reasonable search of their files although it continues searching for any available responsive documents. Additionally, Ebel's discovery responses specifically stated that "any response stating that documents will be produced means only to the extent such documents in fact exist and is not a representation that documents do in fact exist." Additionally, we would like to confirm that at this point no responsive documents have been withheld from production based on privilege grounds and therefore no privilege log has been prepared.

Subject to, and without waiving any of its objections, Ebel states as follows:

Request No. 5:

Subject to and without waiving its objections, Ebel is in the process of gathering responsive documents that are within its custody and control and can be located, and that are not protected from discovery by the attorney-client privilege, work-product privilege, or other applicable privileges. Ebel further states that it does not see the relevance of trademark availability searcher within the context of this proceeding and requests additional clarification as to the need for such documents within this proceeding.

Request No. 16:

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Subject to and without waiving its objections, Ebel is in the process of gathering responsive samples. Applicant further states that responsive documents/photographs of sample products have been produced.

Request No. 26:

Please see comment above.

Request No. 30:

Ebel maintains its objection to this request. Subject to and without waiving its objections Ebel further states that it fails to see the relevance of documents in connection with its numerous marks not covered or responsive to any issues in this proceeding. With regards to FDI's contention in terms of comparing products that use the term PARIS, Ebel states that such comparison would not be possible as only the products sold with a mark using the word PARIS are manufactured in France.

Request No. 31:

Please see response in connection with Request No. 30 above.

Interrogatories

Interrogatory No. 9 and 10(b):

Without waiving any of its objections, Ebel states that it objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Ebel further states that it fails to see the relevance of such information within the context of this proceeding.

Interrogatory No. 19

Without waiving any of its objections, Ebel states that it objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

Interrogatory No. 32

Without waiving any of its objections, Ebel states that it objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information

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which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. With regards to FDI's contention in terms of comparing products that use the term PARIS, Ebel states that such comparison would not be possible as only the products sold with a mark using the word PARIS are manufactured in France.

Interrogatory No. 33

Ebel reiterates its objection to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to, and without waiving its objections, Applicant states that it does advertise goods and services under marks other than Applicant's MARK via catalogs, print media, and other forms of advertising. Ebel further states that it fails to see the relevance of such information within the context of this proceeding.

With regards to the verifications, we are in the process of gathering the signed answers and will be forwarding them shortly.

Requests for Admissions

Requests Nos 5 and 6:

Ebel reiterates its objection to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive. Ebel further states that it is not clear as to whether FDI seeks information with regards to a specific percentage of the materials contained in goods sold under Applicant's Mark or what amount of such "raw materials" would be required to admit or deny this request.

Request No. 35:

Ebel reiterates its objection objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive. With regards to FDI's contention in terms of comparing products that use the term PARIS, Ebel states that such comparison would not be possible as only the products sold with a mark using the word PARIS are manufactured in France.

Request No. 38:

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Ebel reiterates its objection objects to this request on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive. Ebel further objects on the grounds that FDI has not provided a point of comparison in order for Ebel to admit or deny this request.

Ebel will continue to supplement its document production if and when any additional responsive documents are located and does not waive its right to use or rely on at any time, subsequently discovered information or information omitted from its production or responses as a result of mistake, error, oversight, or inadvertence.

Please let me know if you have any questions or concerns.

Sincerely,

Arent Fox LLP

/Efrain Brito/

cc: Ricardo Fischer

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*(Registered Patent Agent)

July 11, 2008

via e-mail (brito.efrain@arentfox.com)

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Arent Fox PLLC
1050 Connecticut Ave., NW
Washington, DC 20036

Re: *Federation Des Industries De La Parfumerie v. Ebel International Limited – Opposition No. 91168756 (consolidated)*
Our Ref.: 215563

Dear Efrain:

We write in response to your letter dated December 18, 2007 and to follow up on the outstanding discovery issues discussed therein.

Applicant's Responses to Opposer's Document Requests

Request No. 5: The requested documents are relevant in determining whether Ebel was aware of the requirements for Applicant's MARK to be registered in the U.S. and whether any alternatives were considered. You stated that "Ebel is in the process of gathering responsive documents." Please confirm that Ebel has made a thorough search for the requested documents. Please also advise whether Ebel is withholding any responsive documents for whatever reason.

Request No. 16: Ebel has produced some responsive documents but they are limited. You stated that "Ebel is in the process of gathering responsive samples." Please advise whether Ebel will be producing additional responsive documents. Please also advise whether Ebel is withholding any responsive documents for whatever reason.

Request No. 26: We still have not received a privilege log. Please let us know if Ebel has withheld any documents based on privilege, and if and when we should expect a log of the same.

Request No. 30, 31: The requested documents are relevant at least to the extent that it would show the significance of Applicant's Goods having Applicant's MARK relative to Applicant's Goods without Applicant's MARK. Please let us know whether Ebel will provide the requested documents.

Applicant's Responses to Opposer's Interrogatories

Interrogatory Nos. 9 and 10(b)(ii): The requested information is relevant at least toward the significance of using the word PARIS in connection with the sale of Applicant's Goods. Please let us know whether Ebel will provide the requested information.

Interrogatory No. 19: This information is relevant in determining whether Applicant's Goods originate from or have any connection to Paris. Please let us know whether Ebel will provide the requested information.

Interrogatory No. 32: The requested documents are relevant at least to the extent that it would show the significance of Applicant's Goods having Applicant's MARK relative to Applicant's Goods without Applicant's MARK. Please let us know whether Ebel will provide the requested information.

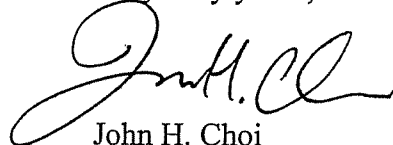
We still have not received Applicant's verifications for the responses to interrogatories. Please let us know when we should expect them.

Ebel's Responses to Opposer's Requests for Admission

Request Nos. 5, 6, 35 and 38: We believe that we have sufficiently clarified these requests. Please let us know if Ebel still refuses to answer these requests.

While we are aware that your client proposed settlement discussions, we require the requested documents and responses in the event the case moves forward. Please consider this a further good faith effort to resolve the outstanding issues related to discovery. Please let us have your responses no later than **July 18, 2008**. In the event that we do not receive your responses by July 18, we will need to file a motion to compel with the TTAB. Please let us know if you have any questions.

Very truly yours,



John H. Choi

cc: Julie B. Seyler, Esq.

Arent Fox

July 18, 2008

VIA FIRST CLASS MAIL & E-MAIL

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Reference Number
027625.00056

Re: Federation Des Industries De la Parfumarie ("FIP") v. Ebel International Limited
("Ebel") - Opposition No. 91168756

Dear John:

This letter is in response to your correspondence dated July 11, 2007 in which your client alleges a series of deficiencies in the responses and documents produced by our client in connection with FIP's discovery requests. Ebel has produced all responsive, non-privileged documents that it could locate after a reasonable search of their files although it continues searching for any available responsive documents. Additionally, Ebel's discovery responses specifically stated that "any response stating that documents will be produced means only to the extent such documents in fact exist and is not a representation that documents do in fact exist."

Subject to, and without waiving any of its objections, Ebel states as follows:

Request No. 5:

Subject to and without waiving its objections, Applicant is not aware of any responsive documents that are within its custody and control and can be located.

Request No. 16:

Subject to and without waiving its objections, Ebel states that documents responsive to this request will be produced and sent to Opposer's counsel under separate cover.

Request No. 26:

Without waiving any of its objections, Ebel at this time has not identified responsive documents that have been withheld on the grounds of attorney-client privilege, work-product privilege, or other applicable privileges.

Request No. 30:

Without waiving any of its objections, Ebel further states that the requested documents bear no relevance to this proceeding as there is no question in this Opposition related to likelihood of confusion. Additionally, the products commercialized by Applicant under other marks are different from products commercialized under Applicant's Mark and therefore bear no relevance to this proceeding.

Request No. 31:

Please see the response to Request No. 30 above.

Interrogatories

Interrogatory No. 9

Ebel maintains its objections to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Ebel further states that the requested information bears no relevance to this proceeding as there is no question in this Opposition related to likelihood of confusion.

Interrogatory No. 10 (b)(ii)

Ebel maintains its objections to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Ebel further states that the requested information bears no relevance to this proceeding as there is no question in this Opposition related to likelihood of confusion.

Interrogatory No. 19

Ebel maintains its objections to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Ebel further states that products sold under Applicant's Marks are made in France and the majority of the ingredients are from France.

Interrogatory No. 32

Ebel maintains its objections to this interrogatory on the grounds it is vague, ambiguous, overbroad, unduly burdensome, oppressive, and that it seeks information which is neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of relevant or admissible evidence. Ebel further states that the requested documents bear no relevance to this proceeding as there is no question in this Opposition related to likelihood of confusion.

With regards to Applicant's verifications for the responses to the Interrogatories, we should be receiving them shortly and will be forwarding them to you as soon as we receive them.

Requests for Admission

Request No. 5

Without waiving any of its objections, Applicant admits that the majority of the ingredients used on products that utilize Applicant's Mark are from many areas in France.

Request No. 6

Without waiving any of its objections, Applicant admits that the majority of the ingredients used on products that utilize Applicant's Mark are from many areas in France but not all originate from Paris.

Request No. 35

Without waiving any of its objections, denied.

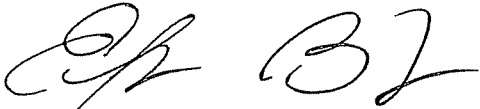
With regards to Request No. 38, please note that Ebel has already provided a response to this request in Applicant's Answers to Opposer's Third Requests for Admissions.

Our client remains open to the possibility of reaching a settlement in this matter and look forward to your client's response in this regard. Ebel will continue to supplement its document production if and when any additional responsive documents are located and does not waive its right to use or rely on at any time, subsequently discovered information or information omitted from its production or responses as a result of mistake, error, oversight, or inadvertence.

Please let me know if you have any questions or concerns.

Sincerely,

Arent Fox LLP

Handwritten signature of Efrain Brito, consisting of a stylized 'EB' monogram.

Efrain Brito

Enclosures

cc: Mónica Alarcón Mercado